

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II  
290 BROADWAY  
NEW YORK, NEW YORK 10007-1866

DATE OF NOTICE:[ 04-27-06 ]

PUBLIC NOTICE NUMBER: [ 06-33 ]

ACTION: NOTICE OF PROPOSED ASSESSMENT OF CLEAN WATER ACT SECTION 309(G)  
CLASS I ADMINISTRATIVE PENALTY AND OPPORTUNITY TO COMMENT

EPA IS AUTHORIZED UNDER SECTION 309(G) OF THE CLEAN WATER ACT, 33  
U.S.C. §1319(G), TO ASSESS A CIVIL PENALTY AFTER PROVIDING THE PERSON  
SUBJECT TO THE PENALTY NOTICE OF THE PROPOSED PENALTY AND THE  
OPPORTUNITY FOR A HEARING, AND AFTER PROVIDING INTERESTED PERSONS  
PUBLIC NOTICE OF THE PROPOSED PENALTY AND A REASONABLE OPPORTUNITY TO  
COMMENT ON ITS ISSUANCE. UNDER SECTION 309(G), ANY PERSON WHO WITHOUT  
AUTHORIZATION DISCHARGES A POLLUTANT TO A NAVIGABLE WATER, AS THOSE  
TERMS ARE DEFINED IN SECTION 502 OF THE ACT, 33 U.S.C. §1362, MAY BE  
ADMINISTRATIVELY ASSESSED A CIVIL PENALTY OF UP TO \$11,000.00 BY EPA.  
CLASS I PROCEEDINGS FOR SECTION 309(G) OF THE CLEAN WATER ACT ARE  
CONDUCTED IN ACCORDANCE WITH THE "CONSOLIDATED RULES OF PRACTICE"  
("CROP") GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CLASS I CIVIL  
PENALTIES UNDER THE CLEAN WATER ACT, WHICH HAS BEEN PUBLISHED IN THE  
FEDERAL REGISTER, AT 64 FED. REG. 40138 (JULY 23, 1999). THE FEDERAL  
REGISTER IS AVAILABLE AT MOST LIBRARIES.

THE PROCEDURES BY WHICH THE PUBLIC MAY SUBMIT WRITTEN COMMENTS ON A PROPOSED CLASS I PENALTY ORDER OR PARTICIPATES IN A CLASS I PENALTY PROCEEDING ARE SET FORTH IN PART 22, AND REQUIRE THE COMMENTER TO (1) DECLARE HIMSELF TO BE A COMMENTER; (2) SUBMIT COMMENTS OR INDICATES THE SUBJECTS UPON WHICH HE WILL COMMENT; AND, (3) PROVIDE EPA WITH A RETURN ADDRESS. THE DEADLINES FOR SUBMITTING PUBLIC COMMENT ON A PROPOSED CLASS I ORDER IS THIRTY (30) DAYS AFTER ISSUANCE OF PUBLIC NOTICE.

IF THE RESPONDENT FAILS TO FILE A TIMELY RESPONSE TO THE AGENCY'S ADMINISTRATIVE COMPLAINT PURSUANT TO PART 22, THE REGIONAL ADMINISTRATOR MAY ISSUE A DEFAULT ORDER AGAINST THE RESPONDENT.

PURSUANT TO SECTION 309(G)(4) OF THE CLEAN WATER ACT, 33 U.S.C. §1319(G)(4), EPA IS PROVIDING PUBLIC NOTICE OF THE FOLLOWING PROPOSED CLASS I ADMINISTRATIVE PENALTY ASSESSMENTS: \$11,000.00

NAME AND ADDRESS OF RESPONDENT:

Village of Canastota WWTF  
Mr. William M. Buchan, President  
Operation & Maintenance, Inc  
15 Lakeshore Drive  
Canastota, New York

LOCATIONS OF ALLEGED VIOLATIONS: Canastota, New York

BUSINESS OR ACTIVITY OF RESPONDENT: SIC: Malt Beverage

RESPONDENTS' PERMIT NUMBER: NY0029807

NATURE OF ALLEGED VIOLATIONS:

FAILURE TO SUBMIT A COMPLETE  
DISCHARGE MONITORING REPORT-  
QUALITY ASSURANCE REPORT TO EPA

PROPOSED PENALTY: \$11,000

DOCKET NUMBER: CWA-02-2006-3318

DATE FILED WITH REGIONAL HEARING CLERK: [04-17-06]

NAME, MAILING ADDRESS, AND TELEPHONE NUMBER OF REGIONAL HEARING

CLERK: KAREN MAPLES, USEPA, REGION II, 290 BROADWAY - 16<sup>TH</sup>

FLOOR, NEW YORK, NEW YORK 10007-1866 (212) 637-3110.

FOR FURTHER INFORMATION: PERSONS WISHING TO RECEIVE A COPY OF  
PART 22, REVIEW THE COMPLAINT OR OTHER DOCUMENTS FILED BY THE PARTIES  
IN THIS PROCEEDING, COMMENT UPON THE PROPOSED PENALTY  
ASSESSMENT, OR PARTICIPATES IN ANY HEARING THAT MAY BE HELD, SHOULD  
CONTACT THE REGIONAL HEARING CLERK IDENTIFIED ABOVE.  
UNLESS OTHERWISE NOTED, THE PUBLIC RECORD FOR THE PROCEEDING IS LOCATED  
IN THE EPA REGIONAL OFFICE SPECIFIED ABOVE, AND FILE WILL BE OPEN FOR  
PUBLIC INSPECTION DURING BUSINESS HOURS.

EPA HAS PROVIDED EACH RESPONDENT WITH A SETTLEMENT OFFER OF  
\$1,300 IN AN EFFORT TO PROMPTLY SETTLE THIS MATTER. IN ORDER TO  
PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL NOT TAKE FINAL ACTION

IN THIS PROCEEDING PRIOR TO THIRTY (30) DAYS AFTER ISSUANCE OF THIS  
NOTICE.

DATE: [ 04-27-06 ]

Dore La Posta, DIRECTOR  
DIVISION OF ENFORCEMENT AND  
COMPLIANCE ASSISTANCE